

1 **IN THE UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 FRANCISCO JOSE MERCHAN ROCHA,)

4 Plaintiff,)

5 vs.)

6 VERONICA MOLANO FLOREZ, AKA)
7 VERONICA GABRIELLE,)

8 Defendant.)

Case No.: 2:14-cv-00051

9 **ORDER FOR RETURN OF MINOR CHILD**

10 THIS MATTER came before the Honorable Robert C. Jones, on November 26, at
11 10:00 a.m. on Plaintiff's Emergency Motion for an Order Directing Return of Minor Child.

12 THE COURT NOTED the purpose of the initial stay of the Order granting Plaintiff's
13 Petition for an Order for Return of Minor Child was to allow Defendant to modify custody in
14 Colombia.

15 THE COURT FINDS Defendant has not modified custody nor initiated a child
16 custody modification process in Colombia.

17 THE COURT FURTHER FINDS Defendant does not have a good cause to be
18 awarded a second extension of the stay of the Order entered on May 14, 2014, as she has not
19 initiated a child custody modification process in Colombia.

20 THE COURT FURTHER FINDS Plaintiff has legal and physical custody of Sofia
21 Merchan Molano pursuant to the Decree of Divorce and Parenting Agreement the parties
22 executed in Colombia.

23 THE COURT FURTHER FINDS Plaintiff released the minor child to Defendant for
24 a brief vacation in the United States and she was not returned.
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1 THE COURT FURTHER FINDS that the Hague Convention directly applies to the
2 facts of this case and this Court must honor the Hague Convention.

3 THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Verified Complaint and
4 Petition for Return of Minor Child is granted.

5 IT IS FURTHER ORDERED that Plaintiff's Motion for Order Directing Return of
6 Child is granted.

7 IT IS FURTHER ORDERED Defendant's Motion for Extension of Stay of Order is
8 hereby DENIED.

9 IT IS FURTHER ORDERED pursuant to the provisions of The Convention on the
10 Civil Aspects of International Child Abduction, done at the Hague on 25 Oct 1980
11 (Convention) and/or the International Child Abduction Remedies Act, 42 U.S.C. 11601 et
12 seq., that the minor, Sofia Merchan Molano, born on January 29, 2002, be returned in the
13 company of her father, Francisco Jose Merchan Rocha, to the sovereign nation of Colombia,
14 and to report the delivery of the children to the appropriate Central Authority.

15 IT IS FURTHER ORDERED Francisco Jose Merchan Rocha has the exclusive right
16 to the physical and legal custody of the child during the period of time required to return the
17 above-named minors to Colombia, the country of the minor habitual residence; and this
18 order is not a determination of the merits of any custody issues within the meaning of Article
19 19 of the Convention; and the order of this court is made under the authority of U.S.C.
20 11603(a), conferring upon this court original and concurrent jurisdiction with federal district
21 courts of the United States.

22 NOW THEREFORE, TO ANY PEACE OFFICER IN THE STATE OF NEVADA
23 AND TO ANY FEDERAL OFFICER:
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CERTIFICATION

In accordance with LR 9021, I certify that on December 1, 2014, a copy of this order was served on the Defendant, who has disapproved its contents. I further certify that no written objections were filed.

DATED this 11th day of December 2014.

/s/Emily McFarling
Emily McFarling, Esq.
Nevada Bar No. 8567